

Rule 1001-2

SCOPE OF ELECTRONIC FILING

(a) Only attorneys and other parties with log-ins and passwords ("Filing Users") issued by the Clerk may file documents electronically in the Court's Electronic Filing System ("CM/ECF") and shall adhere to all requirements as promulgated by the Clerk and posted on the Court's internet web site (www.flmb.uscourts.gov). The Clerk shall be responsible for maintaining and promulgating the requirements and guidelines as necessary.

(b) Filing Users must be attorneys admitted to the Bar of the United States District Court for the Middle District of Florida, United States trustees and their assistants, private trustees, governmental units, commercial claim filers, or others as may be provided by administrative order. To become a Filing User, attorneys and other parties must first register with the Clerk. To register with the Clerk, a Filing User must complete training in CM/ECF. The Clerk shall establish registration and certification procedures, which shall include administering a CM/ECF training program. The Clerk shall promulgate registration, certification **and training requirement and shall** create and keep a registry of authorized Filing Users.

(c) A Filing User, once properly registered with the Clerk, consents in writing to file all documents by electronic means with the Court solely using the Court's CM/ECF system or using email systems setup and monitored by the Clerk.

(d) Notwithstanding the foregoing, attorneys and other parties who are not Filing Users in CM/ECF are not required to electronically file pleadings and other papers in a case assigned to CM/ECF. Once registered, a Filing User may only withdraw from participation in CM/ECF with permission from the Court. Such withdrawal shall be filed in the form of a request to the Clerk.

(e) Any person or organization may access CM/ECF at the Court's internet web site by obtaining a PACER log-in and password. Those who have PACER access but who are not Filing Users may retrieve docket sheets and documents, but may not file documents electronically.

(f) Filing Users are permitted to file paper documents whenever CM/ECF is inaccessible or whenever the Filing User's computer system breaks down in order to meet filing deadlines or if the Court requires a paper document. In such instances, the Clerk shall insure that "After-hours Filing Procedures" are in place and operational. The Clerk may also request that Filing

Users file paper documents consistent with procedures posted on the Court's internet web site.

(g) A Filing User's written consent through the registration process will be kept in a registry created and maintained by the Clerk.

(h) Registration as a Filing User constitutes: (1) waiver of the right to receive notice by first-class mail and consent to receive notice electronically; and (2) waiver of the right to service by personal service or first-class mail and consent to electronic service, except with regard to summons and complaint under Fed. R. Bankr. P. 7004. Waiver of service and notice by first-class mail applies to notice of the entry of an order or judgment under Fed. R. Bankr. P. 9002.

Notes of Advisory Committee

2004 Amendment

This amendment is adapted from the "Model Local Bankruptcy Court Rules for Electronic Case Filing" approved on September 11, 2001 by the Judicial Conference of the United States Courts. This amendment sets out overall electronic filing guidance and requirements, yet allows the Clerk flexibility in managing the details of this system. It is contemplated that the Clerk will actively coordinate such activities with members of the Bankruptcy Bar in the District.

This amendment also establishes a presumption that once attorneys or others become a "Filing User," they will file all documents in cases assigned to CM/ECF by electronic means only. Consistent with Fed. R. Bankr. P. 5005, this Rule strongly encourages attorney participation while not making electronic filing mandatory. (Fed. R. Bankr. P. 5005 in part states that a court "may permit" papers to be filed electronically, and provides that the Clerk "shall not refuse to accept for filing any paper presented...solely because it is not presented in proper form.")